| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/020,150 | 12/18/2001 | Pascal Joly | 50018447-1 | 6644 |

7590          07/12/2005

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| EXAMINER |
|---|
| BARQADLE, YASIN M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2153 | |

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| *Office Action Summary* | 10/020,150 | JOLY ET AL. |
| | **Examiner** | **Art Unit** | |
| | Yasin M. Barqadle | 2153 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *14 April 2005*.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## Response to Amendment

1.    The amendment filed on April 14, 2005 has been fully

considered but are moot in view of the new ground(s) of

rejection.


- Claims 1 and 12 are amended.


- Claims 1-15 are presented for examination.

### *Claim Rejections - 35 USC § 103*


The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Barry USPN. (6615258) in view of Lawande et al

USPN. No. (6405247), hereinafter "Lawande".

2.    Claims rejected under 35 U.S.C. 102(e) as being anticipated

by As per claim 1, Barry teaches a network-based service

provider architecture (fig. 1 and fig. 7), comprising:

a plurality of cells hosting a multi-tiered application

environment (fig. 7, 39, 30 and 159 and col. 4, lines 21-54 and

col. 16, lines 6-20); and

a common logical network layer providing network

connectivity and enforcing individual access policy of each cell

of the plurality of cells, wherein each cell is connected to the

common logical network layer (fig. 7, interact infrastructure is

connected to OE server database which includes security

information and user access privileges col. 18, lines 30-60).

Although Barry shows substantial features of the claimed

invention, he does not explicitly show a stacked architecture

which permits cells to be added or deleted without impacting

other cells of the plurality of cells.

Nonetheless, this feature is well known in the art and would

have been an obvious modification of the system disclosed by

Barry, as evidenced by Lawande USPN. (6405247).

In analogous art, Lawande whose invention is about a system for

operating Internet protocol over high-speed serial bus

configured and capable of inserting and removing nodes on the

network without loss of data (abstract), discloses a stackable

architecture which permits cells (nodes/modules) to be added or

deleted (removed) without impacting other cells of the plurality

of cells (without disturbing the on-going traffic on the system)

[Col. 6, lines 12-26 and col. 16, lines 20-48].

Giving the teaching of Lawande, a person of ordinary skill in

the art would have readily recognized the desirability and the

advantage of modifying Barry by employing the system of

stackable architecture of Lawande because it provides a means

for inserting or removing nodes from a network at any level in

the computer architecture without disturbing the on-going

traffic on other nodes in the network. Also, it allows the

expandability of the system based on user's needs [Col. 4, lines

64-67 and col. 6, lines 12-21].


As per claim 2, Barry teaches the architecture of claim 1,

wherein each cell comprises one or more servers or devices, the

one or more servers or devices sharing network address space and

access policy (col. 18, lines 54 to col. 19, line 41 and col.

50, lines 35-37).


As per claim 3, Barry teaches the architecture of claim 1

wherein access policy comprises rules and mechanisms controlling

the flow of data in and out of each cell (col. 18, lines 30 to col. 19, line 41).

As per claim 4, Barry teaches the architecture of claim 1 wherein access policy comprises at least one of authentication, authorization, access enforcement, privacy protections and integrity guarantees (col. 18, lines 63 to col. 19, line 33).

As per claim 5, Barry teaches the architecture of claim 1 wherein the network connectivity comprises at least one of a local area network function and a wide area network function, wherein the common logical network layer connects cells which are geographically distant from each other (col. 3, lines 42-63 and col. 30, lines 53-69).

As per claim 6, Barry teaches the architecture of claim 1 wherein the network connectivity comprises connecting cells with at least one of private user networks and the Internet (col. 10, lines 36-58).

As per claim 7, Barry teaches the architecture of claim 1 wherein the multi-tiered application comprises any function or

service that uses resources from more than one cell (col. 9, lines 10-37).

As per claim 8, Barry teaches the architecture of claim 1, wherein the multi-tiered application environment comprises infrastructure to host multiple users (col. 15, lines 36-59).

As per claim 9, Barry teaches the architecture of claim 1 wherein the cells of the multi-tiered application environment comprise at least one of added value functions, system administration functions and security monitoring functions (col. 15, lines 29-49 and col. 16, lines col. 16, lines 45-60).

As per claim 10, Barry teaches the architecture of claim 1, wherein the plurality of cells comprises at least one front end cell and a back end cell, the front end cell including a web server front-end delivering content and the back end cell including a database back-end (fig. 2 and fig. 7. see corresponding columns).

As per claim 11, Barry teaches the architecture of claim 10, wherein the front end cell comprises at least two front end cells including a first front end cell and a second front end

cell, wherein access to the first front end cell is shared by all users of the network-based service and access to the second Front-end cell is limited to a designated user of the network-based service (fig. 2 and fig. 7. col. 18, lines 30 to col. 19, line 33).

As per claim 12, Barry teaches a method for providing a network-based service (fig. 1 and fig. 7), comprising:

receiving data in a common logical network layer from at least one of a cell of a plurality of cells of a multi-tiered application and a network (fig. 7, 39, 30 and 159 and col. 4, lines 21-54 and col. 16, lines 6-20);

enforcing access policy of a destination cell of the plurality of cells to which the data is directed, if the data is directed to a cell of the plurality of cells (col. 18, lines 6-20 and col. 16, lines 54 to col. 19, line 41 and col. 50, lines 35-37);

enforcing access policy of a source cell of the plurality of cells, if the data is received from a cell of the plurality of cells (col. 18, lines 6-20 and col. 16, lines 54 to col. 19, line 41 and col. 50, lines 35-37);

transmitting the data to at least one of the destination cell and the network (col. 16, lines 16-20).

As for the new limitation of a stacked architecture which permits cells to be added or deleted without impacting other cells of the plurality of cells, see the rejection on claim 1 above.

As per claim 13, Barry teaches the method of claim 12, wherein enforcing access policy comprises enforcing rules and mechanisms controlling the flow of data in and out of at least one of the source cell and destination cell (col. 18, lines 30 to col. 19, line 41).

As per claim 14, Barry teaches the method of claim 12, wherein enforcing access policy comprises performing at least one of authentication, authorization, access enforcement, privacy protections, and integrity guarantees col. 18, lines 63 to col. 19, line 33).

As per claim 15, Barry teaches the method of claim 12, wherein each cell of the plurality of cells comprises one or more servers or devices, the one or more servers or devices sharing network address space and access policy (col. 18, lines 54 to col. 19, line 41 and col. 50, lines 35-37).

## Conclusion


3.   **ACTION IS MADE FINAL.**  See MPEP § 706.07(a).  Applicant is
reminded of the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final action
is set to expire **THREE MONTHS** from the mailing date of this
action.  In the event a first reply is filed within **TWO MONTHS**
of the mailing date of this final action and the advisory action
is not mailed until after the end of the **THREE-MONTH** shortened
statutory period, then the shortened statutory period will
expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated
from the mailing date of the advisory action.  In no event,
however, will the statutory period for reply expire later than
**SIX MONTHS** from the date of this final action.

The prior made of record and not relied upon is considered
pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Yasin
Barqadle whose telephone number is 571-272-3947.  The examiner
can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Glenn Burgess can be
reached on 571-272-3949.  The fax phone numbers for the
organization where this application or proceeding is assigned
are 703-872-9306 for regular communications and 703-746-7238 for
After Final communications.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be
obtained form the Patent Application Information Retrieval
(PAIR) system. Status information for published applications may
be obtained from either private PAIR or public PAIR system.
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system, see http://pair-direct.uspto.gov. Should you have
questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).
YB

Art Unit 2153

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